



3/01/06

MESSAGES FROM THE HOUSE

HB 5176 (Acciavatti)

House Bill 5176 would add onto the NREPA to prohibit a person from delivering for disposal in a landfill or incinerator in this State, municipal solid waste, including MSW incinerator ash, that was generated outside of the United States. The bill also would prohibit the owner or operator of a landfill or incinerator in Michigan from accepting for disposal MSW, including MSW incinerator ash, that was generated outside of the United States. The prohibitions would apply notwithstanding any other provisions. The prohibitions would not apply, however, unless Congress enacted legislation under (the Commerce Clause) authorizing the prohibitions. The prohibitions also would not apply if the delivery and acceptance of the waste were pursuant to a contract entered into before the bill's effective date.

- The voted by which HB 5176 passed was reconsidered [no RC]
- HB 5176 was moved to 3rd Reading of Bills.
- Sikkema 1 was adopted [no RC].
- HB 5176 passed with IE [RC 99: 37 yes, 0 no].

FINAL PASSAGE

SB 127 (Hardiman)

Senate Bill 127 would amend the Michigan Telecommunications Act to prohibit a provider of cellular or mobile telecommunication service from providing, selling, or including a customer's dialing number for inclusion with any directory assistance without first obtaining the customer's written consent.

- Jacobs 1 was withdrawn
- Schauer 2 was withdrawn
- Thomas 3 was withdrawn
- SB 127 passed with IE [RC 100: 37 yes, 0 no].

SB 705 (Brown)

Senate Bill 705 would amend, the Michigan Transportation Fund Law, to require the Michigan Department of Transportation (MDOT) to analyze the tasks to be undertaken to establish a hydrogen highway in this State by the year 2010. Under the bill, a hydrogen highway would be a highway that provided hydrogen fueling stations at designated locations no farther than 20 miles apart along the length of the highway.

- *SB 705 was moved to 3rd Reading of Bills.*
- **SB 705 passed with IE [RC 101: 37 yes, 0 no].**

HB 5240 (Palmer)

HB 5241 (Palmer)

House Bill 5240 would amend the Michigan Vehicle Code to address speed limits. House Bill 5241 would make a complementary amendment to the Pupil Transportation Act

House Bill 5240 would amend the Michigan Vehicle Code to do the following: Establish speeds that would be "prima facie unlawful" to exceed in business districts, in public parks, and on highway segments with specified numbers of driveways or intersections. Require signs indicating "prima facie" speed limits to be posted. Designate the 55-mile-per-hour speed limit on highways where another speed limit does not apply as the "general speed limit". Designate various speed limits as "absolute speed limits", which would supersede prima facie speed limits. Increase the minimum speed on freeways from 45 miles per hour (mph) to 55 mph. Delete a provision that limits the situations in which a township may petition a county road commission for a change of speed limit. Require the Michigan Department of Transportation to establish the speed on all trunk line highways within cities and villages. Set 25 mph as the minimum speed limit that local authorities may establish in and near parks and beside playgrounds.

- *Committee S-1 was not adopted.*
- *Basham 2a was not adopted.*
- *Basham 2b was not adopted.*
- *Gilbert S-2 was adopted*
- *HB 5240 was moved to 3rd Reading of Bills.*
- **Jelinek 1 was adopted [no RC]. (allows school busses to go 60 miles an hour)**
- **HB 5240 passed with IE [RC 102: 35 yes, 2 no].**

House Bill 5241 would establish a speed limit of 55 miles per hour for a person operating a school bus, a vehicle drawing another vehicle or trailer, or a truck or truck-tractor with a gross weight of 10,000 pounds or more. This is not a change for passenger vehicles pulling another vehicle or trailer or for trucks of 10,000 pounds or more. It is an increase from 50 miles per hour for school buses.

- *HB 5241 was moved to 3rd Reading of Bills.*
- **HB 5241 passed with IE [RC 103: 37 yes, 0 no].**

HB 5624 (Hune)

House Bill 5624 would amend the Insurance Code to allow a domestic (Michigan-based) insurance company that acquires a "book of business" that includes life insurance or other business written by a life insurance company to recognize the value of the book of business as an asset in its required annual statement. Generally speaking, the bill would allow a domestic insurer to count the "value of business acquired" (VOBA) as an asset to a greater extent than is currently allowed.

Jackson National Life Insurance Company: The VOBA bill allows a Michigan domiciled life insurance company with excess capital to have a greater percentage of that excess capital in the form of VOBA. (Excess capital simply means the capital a life insurance company does not need to meet NAIC solvency standards.) Consequently, small and medium size life insurers domiciled in Michigan will have a greater ability to make critical business acquisitions, and appropriately report the full value of the acquisition of an asset. . . . By removing this impediment to acquisitions, Michigan domiciled life insurance companies will be able to make acquisitions that will add jobs in Michigan.

- *Bishop 1a was adopted.*
- *Committee S-3 was adopted.*
- *HB 5624 was moved to 3rd Reading of Bills.*
- **HB 5624 passed with IE [RC 104: 37 yes, 0 no].**

THIRD READING OF BILLS

SB 868 (Toy)

Senate Bill 868 would amend the General Property Tax Act to do the following: Delete requirements that a county tax administration fee be used only for specified purposes. Require delinquent tax sales proceeds to be deposited in a local unit's general fund. Allow a local tax collecting unit to establish a delinquent tax revolving fund.

- **Committee S-2 was adopted**
- **SB 868 was moved to 3rd Reading of Bills**

SB 870 (George)

The bill would amend the Michigan Transportation Fund (MTF) law, to allow the electronic submission of information that county road commissions, cities, and villages must provide to the Michigan Department of Transportation (MDOT).

- **Committee S-1 was adopted**
- **SB 870 was moved to 3rd Reading of Bills**

SB 872 (Kuipers)

Senate Bill 872 would require each local unit of government to hold a public hearing within 30 days before the date of final adoption of its budget. Under the Act, each local unit must hold a public hearing prior to final adoption of its budget. Currently, units that submit budgets to a county tax allocation board must hold the public hearing after the board has fixed the tax rate allocation.

- Committee S-1 was adopted
- SB 872 was moved to 3rd Reading of Bills

SB 875 (Hardiman)

Senate Bill 875 would allow the governing body of a public corporation (a county, city, village, township, port district, drainage district, special assessment district, or metropolitan district of the State, or a board, commission, or another authority or agency created by or under an act of the Legislature, by resolution), to authorize its investment officer to pool or coordinate the funds to be invested with the funds of other public corporations, except in counties where a local government investment pool was operating and accepting deposits.

- Committee S-1 was adopted
- SB 875 was moved to 3rd Reading of Bills

SB 908 (Hammerstrom)

Senate Bill 908 would amend the Michigan Notary Public Act to revise the information that must appear on a record that is notarized. The required information must be printed "clearly and legibly". The bill would require that the information be sufficiently clear and legible to be read by the Secretary of State, and in the format shown in the Act (as revised by the bill) or in a similar format that conveyed all of the same information. The bill also would require a notary to sign his or her name exactly as it appears on his or her application for commission as a notary, rather than as it appears on his or her certificate of appointment.

- Committee S-1 was adopted
- SB 908 was moved to 3rd Reading of Bills

HB 5315 (Marleau)

HB 5316 (Wenke)

HB 5317 (Huizenga)

HB 5318 (Mortimer)

HB 5319 (Schuitmaker)

HB 5320 (Elsenheimer)

HB 5321 (Emmons)

HB 5323 (Tobocman)

BUSINESS CORPORATION ACT AMENDMENTS

House Bill 5315 would amend the Business Corporation Act to provide that, when one or more foreign corporations merged or entered into a share exchange with one or more domestic corporations, each foreign corporation would have to comply with Section 1021 (amended applications) or 1035 (the filing of information upon dissolution, termination, merger, or consolidation), if it applied. Currently, only a foreign corporation that owns at least 90% of a domestic subsidiary corporation and is merging with the subsidiary must comply with those sections, if they apply.

- **HB 5315 was moved to 3rd Reading of Bills**

House Bill 5316 would amend the Business Corporation Act to allow a corporation to be dissolved by a circuit court judgment upon proof that the shareholders were unable to agree by the requisite vote on material matters respecting management of the corporation's affairs, if the shareholders had entered into an agreement governing the exercise of corporate powers or the management of corporate business.

- **HB 5316 was moved to 3rd Reading of Bills**

House Bill 5317 would amend a section that allows for amendments to the articles of incorporation. Some amendments can be made by the board without shareholder action; others require shareholder approval. Under the Act, unless the articles of incorporation provide otherwise, the board of a corporation may adopt particular amendments to the corporation's articles without shareholder action. Other amendments of the articles of incorporation, except as otherwise provided in the Act, must be approved by the shareholders. Under the bill, other amendments of the articles of incorporation, except as otherwise provided in the Act, would have to be proposed by the board and approved by the shareholders. The board could condition its submission of an amendment to the shareholders on any basis.

- **HB 5317 was moved to 3rd Reading of Bills**

House Bill 5318 would amend a section dealing with committees of a corporation created by the board to specify that a committee could create one or more subcommittees and delegate all or part of its power or authority to a subcommittee, unless prohibited by a resolution of the board, the articles of incorporation, or the bylaws.

- **HB 5318 was moved to 3rd Reading of Bills**

House Bill 5319 would specify that when a shareholder abstains from voting or submits a ballot marked "abstain," that does not count as a vote cast (unless the articles provide otherwise). This affects a section that requires actions to be authorized by "a majority of votes cast."

- **HB 5319 was moved to 3rd Reading of Bills**

House Bill 5320 would amend the Business Corporation Act to provide that a shareholder's abstaining from a vote or submission of a ballot marked "abstain" with respect to an action that

required authorization by a vote of a class or series would not be a vote cast on that action, unless otherwise provided in the articles of incorporation.

- **HB 5320 was moved to 3rd Reading of Bills**

House Bill 5321 addresses cases where a corporation is required or desires to provide a written notice, report, statement, or communication to shareholders sharing a common address. The bill would allow them to do so if all of the following requirements were met: 1) the corporation addresses the writing to shareholders as a group, individually, or in any other form to which there are no shareholder objections; 2) the corporation gives at least 60 days notice to the shareholders sharing the common address; 3) there are no written objections from any shareholder with the common address. If there is an objection, the corporation would have to begin providing separate copies to those who have objected within 30 days of receiving the objection.

- **HB 5321 was moved to 3rd Reading of Bills**

House Bill 5323 would amend the definition in the act of "willfully unfair and oppressive conduct" to specify that such conduct could include the termination of employment or limitations on employment benefits to the extent that the actions interfere with distributions or other shareholder interests disproportionately as to the affected shareholder. Under the act, for example, a shareholder can bring an action in the circuit court of the county in which the principal place of business or registered office of the corporation is located to establish that the acts of the directors or those in control of the corporation are illegal, fraudulent, or willfully unfair and oppressive to the corporation or to the shareholder.

- **HB 5323 was moved to 3rd Reading of Bills**